

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERRY CIRALU, Individually And On Behalf Of)
All Others Similarly Situated,)
Plaintiffs,) Case No. 1:14-cv-08659-AKH
vs.)
AMERICAN REALTY CAPITAL PROPERTIES,)
INC., NICHOLAS S. SCHORSCH, DAVID S.)
KAY, BRIAN BLOCK and LISA MCALISTER,)
Defendants.)

[Caption continues below]

**MOTION OF THE HWM GROUP FOR CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF PURSUANT TO §21D(a)(3)(B) OF THE SECURITIES EXCHANGE
ACT OF 1934 AND APPROVAL OF SELECTION OF LEAD COUNSEL**

BERNARD PRIEVER, Individually And On Behalf
Of All Others Similarly Situated,)
Plaintiff,) Case No. 1:14-cv-08668-AKH
)
vs.)
)

AMERICAN REALTY CAPITAL PROPERTIES,
INC., LISA P. MCALISTER, and BRIAN S.
BLOCK,)
Defendants.)

STUART RUBINSTEIN, Individually And On
Behalf Of All Others Similarly Situated,)
Plaintiff,) Case No. 1:14-cv-8669-AKH
)
vs.)
)

AMERICAN REALTY CAPITAL PROPERTIES,
INC., BRIAN S. BLOCK, LISA MCALISTER and
NICHOLAS S. SCHORSCH,)
Defendants.)

JAMES W. EDWARDS, JR., Individually and on
Behalf of All Others Similarly Situated,)
Plaintiff,) Case No. 1:14-cv-08721-AKH
)
vs.)
)

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, DAVID S.
KAY, BRIAN S. BLOCK and LISA PAVELKA
MCALISTER,)
Defendants.)

BERNEY HARRIS, Individually and on Behalf of
All Others Similarly Situated,

)
Case No. 1:14-cv-08740-AKH

)
Plaintiff,
)

)
vs.
)

)
AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, BRIAN S.
BLOCK, DAVID S. KAY and LISA MCALISTER,
)

)
Defendants.
)

Based upon the accompanying memorandum of law and supporting declaration and exhibits thereto, proposed lead plaintiff the HWM Group, as defined in the accompanying memorandum of law, respectfully moves this Court pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S. C. 78u-4(a)(3)(B), for an order; (i) consolidating the related actions captioned above pursuant to Rule 42 of the Federal Rules of Civil Procedure; (ii) appointing the HWM Group as lead plaintiff in the consolidated action pursuant to the Private Securities Litigation Reform Act of 1995; and (iii) approving movant's selection of Stull, Stull & Brody as lead counsel.

This motion is made on the following grounds: (i) the HWM Group believes it is the most adequate plaintiff; (ii) the HWM Group meets the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of class members' claims, and movant will fairly and adequately represent the class; and (iii) the Court should not disturb the HWM Group's choice of counsel who are experienced in the area of securities litigation.

The facts and law supporting this motion are set forth in the concurrently filed memorandum of law and declaration in support hereof and other pleadings and matters of record in this case, and such additional evidence or argument as may be presented at the hearing on this motion.

Dated: December 29, 2014

Respectfully submitted,

By: s/ Jason D'Agnenica
STULL, STULL & BRODY
Howard T. Longman
Jason D'Agnenica
6 East 45th Street
New York, NY 10017
Tel: (212) 687-7230
Fax: (212) 490-2022
hlongman@ssbny.com
jasondag@ssbny.com